

Notice of Allowability

Application No.

09/800,173

Examiner

Michael J. Yigdoll

Applicant(s)

RADATTI, PETER V.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's submission filed on October 10, 2007.
2. ☒ The allowed claim(s) is/are 27-43 (renumbered 1-17).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20071210.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 10, 2007 has been entered.

Response to Amendment

2. The rejections of the claims under 35 U.S.C. 103(a) have been withdrawn in view of the amendments to the claims.

Response to Arguments

3. Applicant's arguments filed on October 10, 2007 have been fully considered and are persuasive. The rejections of the claims have been withdrawn as noted above.

Examiner's Amendment

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank J. Bonini, Jr. (Reg. No. 35,452) on December 7, 2007.

5. The claims are amended, as presented below, to adopt the changes provided by Applicant's representative on December 7, 2007.

IN THE CLAIMS

Please cancel claims 4, 8-15 and 18-26 and add new claims 27-43 as follows:

Claims 1-26 (Cancelled).

Claim 27. (New) An apparatus for transmitting data to a target comprising: a means for updating, present on a distribution media, and further comprising data, data information and a cryptographic hash of said data information; a means for transmission between said distribution media and said target, a means for obtaining data information from said distribution media; and, a means for processing said first cryptographic hash of said data information; whereby said means for obtaining data information from said distribution media obtains said first cryptographic hash from said means for updating present on said

distribution media, which first cryptographic hash is comprised of a unique data identifier, and is transmitted through said means for transmission to said means for processing, and which upon receipt of said first cryptographic hash of said data information compares said first cryptographic hash to a second cryptographic hash installed on said target in order to determine if said data should be transmitted to said target, said data being less than the content of a file when only portions of a file, and not the entire file itself, require updating, and wherein at least one cryptographic hash is generated at said target and is stored at said target; said stored cryptographic hash corresponding with the data of said target.

Claim 28. (New) A computer-implemented method for transmitting data to a target comprising transmitting a first cryptographic hash of data information, which first cryptographic hash is comprised of a unique data identifier, from a first distribution media to said target; comparing said first cryptographic hash in order to determine if data information should be transmitted to said target; transmitting said data information from a second distribution media, if necessary, to said target; comparing said data information with said target in order to determine if said data should be transmitted to said target, wherein said data determined to be transmitted to said target is less than the content of a file when only portions of a file, and not the entire file itself, require updating;

including preparing said data information from attributes of said data, said data information comprising an update index file, wherein said first cryptographic hash of data information comprises a cryptographic hash of said update index file, and wherein

comparing said first cryptographic hash in order to determine if data information should be transmitted to said target includes comparing said cryptographic hash of said update index file.

Claim 29. (New) A computer-implemented method as in claim 28, further comprising obtaining data information from said second distribution media.

Claim 30. (New) A computer-implemented method as in claim 29, wherein obtaining data information from said second distribution media further comprises using an http address to obtain data information.

Claim 31. (New) A computer-implemented method for transmitting data as in claim 28, wherein the first and second distribution media are the same.

Claim 32. (New) A computer-implemented method for transmitting data as in claim 28, wherein either the first and second distribution media at least partially comprises a network.

Claim 33. (New) A computer-implemented method as in claim 28, wherein said data comprises one or more software product files.

Claim 34. (New) A computer-implemented method as in claim 28, further comprising preparing said cryptographic hash from said data information.

Claim 35. (New) A computer-implemented method as in claim 28 further comprising transmitting said data from a third distribution media to said target.

Claim 36. (New) A computer-implemented method as in claim 35 wherein the third distribution media at least partially comprises a network.

Claim 37. (New) A computer-implemented method as in claim 36 further comprising editing data on said target in order to update data on said target.

Claim 38. (New) A computer-implemented method for transmitting data to a target comprising the steps of: providing a software product; preparing data information about said software product; preparing a first cryptographic hash of data information about said software product; which first cryptographic hash is comprised of a unique data identifier, storing said software product on a first distribution media; storing said data information on a second distribution media; storing said first cryptographic hash of data information on a third distribution media; obtaining data information about said software product; transmitting said first cryptographic hash of data information to said target; comparing said first cryptographic hash to a second cryptographic hash installed on said target in order to determine if data information should be transmitted to said target; transmitting said data information, if necessary, to said target; comparing said data information with said target in order to determine if said data should be transmitted to said target; transmitting said data, if necessary, to said target; and, editing said data on said target in order to update data on said target.

Claim 39. (New) An apparatus for transmitting data to a target comprising: a means for updating, present on a distribution media, and further comprising data, data information and a first cryptographic hash of said data information; a means for transmission between said distribution media and said target, a means for obtaining data information from said distribution media; and, a means for processing said first cryptographic hash of said data information; whereby said means for obtaining data information from said distribution media obtains said first cryptographic hash from said means for updating present on said distribution media, which first cryptographic hash is comprised of a unique data identifier, and is transmitted through said means for transmission to said means for processing, and which upon receipt of said first cryptographic hash of said data information compares said first cryptographic hash to a second cryptographic hash installed on said target in order to determine if said data should be transmitted to said target, said data transmitted to said target comprising an editing command for editing said target.

Claim 40. (New) An apparatus for transmitting data to a target comprising: a means for updating, present on a distribution media, and further comprising data, data information and a first cryptographic hash of said data information; a means for transmission between said distribution media and said target, a means for obtaining data information from said distribution media; and, a means for processing said first cryptographic hash of said data information; whereby said means for obtaining data information from said distribution media obtains said first cryptographic hash from said

means for updating present on said distribution media, which first cryptographic hash is comprised of a unique data identifier and is transmitted through said means for transmission to said means for processing, and which upon receipt of said first cryptographic hash of said data information compares said first cryptographic hash to a second cryptographic hash installed on said target in order to determine if said data should be transmitted to said target, wherein said data transmitted to said target comprises a binary editing command.

Claim 41. (New) A computer-implemented method for transmitting data to a target comprising the steps of: providing a software product; preparing data information about said software product; preparing a first cryptographic hash of data information about said software product; which first cryptographic hash is comprised of a unique data identifier, storing said software product on a first distribution media; storing said data information on a second distribution media; storing said first cryptographic hash of data information on a third distribution media; obtaining data information about said software product; transmitting said first cryptographic hash of data information to said target; comparing said first cryptographic hash to a second cryptographic hash installed on said target in order to determine if data information should be transmitted to said target; transmitting said data information, if necessary, to said target; comparing said data information with said target in order to determine if said data should be transmitted to said target; transmitting said data, if necessary, to said target; and, editing said data on said target in order to update data on said target, wherein said transmitted data comprises one or the

other or both of (i) portions of a file and (ii) an editing command to effectuate a change in a file.

Claim 42. (New) The method of claim 27, wherein said data information comprises a module name and a hash of a module name, and wherein said first cryptographic hash is a hash of said data information.

Claim 43. (New) The method of claim 42, wherein said data comprises one or more modules, wherein upon transmission of said data to said target, an update manager performs the steps of extracting said one or more modules and replacing files or byte sequences, wherein said one or more modules contain directions for replacement of byte sequences.

Allowable Subject Matter

6. Claims 27-43 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or reasonably suggest, in the combinations recited in independent claims 27, 28, 38, 39, 40 and 41, transmitting data to a target, including obtaining a first cryptographic hash of data information comprised of a unique data identifier and comparing the first cryptographic hash to a second cryptographic hash in order to determine if the data information and data should be transmitted to the target, as reflected in the arguments filed on October 10, 2007 (see Applicant's remarks, pages 9-17).

8. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

Application/Control Number:
09/800,173
Art Unit: 2192

Page 11

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael J. Yigdall
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